IN THE HIGH COURT OF BOMBAY AT GOA, PANAJI

CONTEMPT PETITION NO. 4 OF 2002

Shri Shyam Pundalik Gawade,
House No.368, Soukhya,
Shyamalaya, 45 years of age,
resident of Mandur,
Neura-Goa-403 104. ... Petitioner.

versus

1. Shri Manohar Parrikar,
   The Home Minister,
   Government of Goa,
   Panaji-Goa.

2. Shri Gurcharan S.Sandhu,
   The Director General of Police,
   Police Head Quarters,
   Panaji-Goa.

3. Shri Karnal Singh,
   The Deputy Inspector General
   of Police, Police Head Quarters,
   Panaji-Goa.

4. State of Goa,
   through Chief Secretary,
   Secretariat,
   Panaji-Goa. ... Respondents.

Petitioner in person.

Mr. A. N. S. Nadkarni, Advocate General with Mr. P.A. Kamat, Additional Government Advocate for the Respondents.

CORAM: P. V. HARDAS, J.

DATED: 1ST AUGUST, 2002.

ORAL ORDER

This Contempt Petition arises, complaining of breach of the directions issued by the Division Bench of this Court in PIL Writ Petition No.379 of 2000 which was filed by one Suresh Salgaonkar. The present Petitioner

was not a Petitioner in the Public Interest Litigation. He, however, by this Petition seeks to bring to the notice of this Court the contempt alleged to have been committed by the Respondent herein. The fourth Respondent, State of Goa, on being served with a copy has filed its Affidavit opposing the present Petition.

2. The PIL Writ Petition No.379 of 2000 complained of inaction of the State in taking disciplinary proceedings against Dy.S.P. A. K. Teli. It will be useful to reproduce paragraphs 3 and 4 of the Petition.

> "There is a specific allegation made by the petitioner that the amount, which was recovered by the Head Constable Ramesh Naik and the two Police Constables Prabhakar Naik and Shyam Gaude from Manjunath Shet and Deepak Kurtarkar, who were goldsmiths and receiver of stolen property in lieu of gold ornaments was received by A. K. Teli also which was pocketed by him.
>
> It appears that for some strange reason no charges were levelled against the said P.I. Teli and he was left untouched. In the present petition, the petitioner has not appeared before the Court but the allegations made therein appear to have some substance in them. In our opinion, the entire episode smacks of some cover-up operation and, therefore, a second look into the matter is required to be taken. Hence the following direction:

> Matter to be placed before the Home Ministry for looking into it in the light of the complaint, the reply and the observations made by the Court today".

3. Thus, what the Division Bench had directed by its Order dated 13th December, 2000 was that the matter be placed before the Home Ministry for looking into it in the light of the complaint, the reply and the observations made by the Court. This Petition was finally disposed of by Order dated 5th March, 2001.

4. While disposing of the Petition, Mr. A. N. S. Nadkarni, the learned Advocate General appearing for the Respondents had informed the learned Judges of the Division Bench that the Vigilance Enquiry had commenced. Mr. A. N. S. Nadkarni, the learned Advocate General appearing for the Respondents also informed the learned Judges of the Division Bench that the D.I.G. Police had also submitted his report which was placed before the Court and taken on record. While disposing of the Petition, the Division Bench observed that they expected the Government to take appropriate action as it may be advised.

5. In the present Petition, the Petitioner is appearing in person. He was repeatedly asked whether he wanted to engage a lawyer to represent him but he firmly said that he wants to appear in person.

6. I have heard the Petitioner in detail and according to the Petitioner, the following amounts to breach of the directions issued by this Court by the Division Bench in its Order dated 13th December, 2000:-

A. According to the Petitioner, he ought to have been treated as under suspension and subsistance allowance ought to have been paid to him. It is also urged by the Petitioner that he ought to have been reinstated in service.

B. According to the Petitioner, the Respondent No.4/State of Goa ought to have taken action against the person or persons who had falsely involved the Petitioner in the case.

C. According to the Petitioner, he has filed this Petition for violation of his rights under Articles 14, 19 and 21 of the Constitution of India. The Petitioner claims that Article 19 confers on him the right to continue in service.

D. The Petitioner complains that the Home Ministry, despite the direction of this Court has not looked into the matter in the light of the complaint, the reply and the observations made by the Division Bench.

7. The Petitioner was dismissed from service after holding a Departmental Enquiry. The dismissal was confirmed when his Writ Petition came to be dismissed. The Petition before the Supreme Court also came to be

dismissed. In Contempt Petition, the jurisdiction of the Court to grant relief is extremely limited. The Court cannot travel beyond the scope of its jurisdiction. A perusal of the Order of the Division Bench dated 13th December, 2000 would show that a Division Bench had not directed that the Petitioner be treated as under suspension or subsistance allowance be paid to him or that the Petitioner be reinstated in service. In fact, the dismissal of the Petitioner stands confirmed in view of the dismissal of his Writ Petition in the High Court and the dismissal of the Special Leave Petition before the Apex Court. Therefore, the submission urged by the Petitioner at 'A' cannot be said to be a wilful default committed by the Respondents in not following the directions issued by the Court. At 'B', the Petitioner has urged that the Respondents have not taken any action against the persons who have falsely involved him in this Court. It is needless to mention that no directions of this nature were at all issued by the Division Bench while entertaining PIL Writ Petition No.379 of 2000. Similarly, at 'C', the Petitioner has stated that he has filed this Petition for enforcement of his Fundamental Rights under Articles 14, 19 and 21 of the Constitution of India.

8. This is a Contempt Petition complaining of civil contempt for having committed breach of the directions of this Court. This Court has no jurisdiction to grant any relief for the enforcement of the Fundamental Rights to a citizen complaining of breach thereof. Incidentally, no relief for the enforcement of any rights at all is prayed for in the prayer clause.

9. In respect of the submissions at 'D', Mr. A. N. S. Nadkarni, the learned Advocate General appearing for the Respondents has produced before me the original file and it is apparent that on 15th December, 2000, the Home Ministry had issued directions for holding of an enquiry by the Vigilance Department as well as Police against Dy. S. P. A. K. Teli. The learned Advocate General appearing for the Respondents further makes a statement that the Government has taken a decision to institute Disciplinary Proceedings against Dy. S. P. A. K. Teli.

10. I have perused the original record which was placed before me by the learned Advocate General appearing for the Respondents and I find that the Government and the Home Ministry have complied with the directions issued by the Division Bench of this Court in

its Order dated 13th December, 2000, in letter and spirit and there is no breach whatsoever.

11. Mr. A. N. S. Nadkarni, the learned Advocate General, in the peculiar facts of the case, since wild and irresponsible allegations have been made against the Respondents has sought for imposition of heavy costs which would act as a deterrent to a public from making wild irresponsible statements on Affidavit. Taking an overall view of the matter and looking to the great hardships which the Petitioner has gone through in the sense that he has lost the job and possibly in that dejected state of mind has chosen to make these allegations. Ofcourse, this situation in which the Petitioner finds himself is a situation of his own making and cannot ever be justified for making such allegations.

12. However, I am of the considered opinion that instead of imposing heavy costs, the Petitioner should be cautioned that in future, he should exercise a restraint in making allegations particularly those allegations which cannot be substantiated on the basis of the record.

13. In view of what has been stated by me above, there is no substance of merit in the Petition and the

same deserves to be dismissed and is accordingly dismissed with no order as to costs.

P. V. HARDAS, J.

RD.